

DECLARATION OF PAUL SEIBERT

My name is Paul Seibert. I am more than eighteen years of age, of sound mind, and competent to make this Declaration. I have personal knowledge of the facts stated herein, and all statements contained herein are true, correct, and made under penalty of perjury.

1. I am Paul Seibert. I attended the two day meeting with Plaintiff, Susan Spaar, and James Shepherd to receive new company direction after the release of the General Manager, David Shepherd. I am a descendant of Central or Eastern European Ashkenazi Jews.

2. I remember having lengthy discussions around the owner's life, history, politics, and current events. The owner shared his experiences during the early days of the PC industry and the impact of the corona virus on the economy and business. Nothing in the way of "exterminating white people" or "new world order" was ever mentioned or even alluded to. As part of the discussion on politics and history, the current state of affairs and the crisis at the US/Mexico border was discussed. Parallels were drawn with the migration from Africa into Europe and not having a policy to properly manage it would result in people being left without any type of support. Nothing was mentioned about voting or replacing the white population.

3. I remember no negative comments by James Shepherd about the Mormon church. A discussion on the history of the Mormon church took place as well as his involvement with the church in his early life with humorous stories of his interactions. As part of the new company initiatives, the history under the prior General Manager and Shawn's hard pushing management style, with the distribution center, was brought up. This was not in line with the company culture and previous management allowed it to continue. The Mormon religion had nothing to do with the decision on Shawn's continued employment. It centered on his management style, which in a corporate world is common and rewarded but not in the family environment at NMCL.

4. No antisemitic and homophobic comments were made during the discussion.

5. I had several conversations with Leo over his contract. I told him at the time that anything other than base pay would need to be approved by the owner and not the general manager.

6. The fact that the general manager kept Leo's hiring a secret from the owner, which the previous GM shared on a conference call with senior members of his staff, I told him that any promises made by the general manager would not be honored by the owner. Leo had made threats that he would sue for discrimination if that ever happened. He would often fantasize about getting \$5 million in the settlement.

7. My official title, as recognized at eESI has remained unchanged. Internal to NMCL it has changed several times as management saw fit. Never was my pay changed due to internal title change. Titles in the company are purely a way to help others understand the role of that person.

8. My pay and Leo's pay were negotiated with the previous GM. It has nothing to do with James Shepherd. Leo had voiced to me on several occasions his pay and since he had access to everyone's pay structure, he would complain how unfair it was on what others were making. At no time did he ever bring this up is due to the reasons he states here. It wasn't until the previous GM left and the owner took control back that it became a problem to him.

9. I have a Technical Certification and over 40 years of experience in the telecom and PC industry managing all levels of projects and production/operations type environments. I've held many management positions in my career, please check my resume. No pay increase was given by James Shepherd.

10. "New Millennium was "establishing a pattern of only terminating minorities"" was a narrative that Leo started pushing after James Shepherd reconciled with Shawn. Leo started to push the idea that all layoffs were racially motivated. I had several conversations with Leo that

nothing was happening that wasn't originally discussed in the two day meeting and at that time the owner had no clue who filed those positions.

11. I witnessed James Shepherd at the meeting in Colorado discuss a directive to close Plaintiff's department due to economic conditions.

12. James Shepherd is not racist, I have never seen or heard him say or do anything discriminatory or demeaning toward or regarding Plaintiff or Plaintiff's race.

Executed on December 11, 2023.

A handwritten signature in cursive script, reading "Paul Seibert". The signature is written in black ink and is positioned above a horizontal line.

PAUL SEIBERT